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Date	December 8, 2003		
To	Examiner Sonya N. Wright		
Of	PTO Group Art Unit 1626		
Fax	703-872-9306		
From	John T. Callahan		
Subject	Copy of June 30, 2003 Filing of Response to Restriction Requirement		
Our Ref	Q68625	Appln No	10/069,007
Conf No	4541	Inventors	Mikiko SODEOKA, et al.
Pages	5 (including cover sheet)		

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This fax filing includes:

1. This cover sheet
2. Copy of Filing Receipt dated-stamped by the USPTO on June 30, 2003
3. Copy of Response to Restriction Requirement dated June 30, 2003

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**FILING RECEIPT**  
**PLEASE DATE STAMP AND RETURN TO US - BOX 235X**

In re application of

Mikiko SODEOKA, et al.

Appn. No.: 10/069,007

Group Art Unit: 1626

Confirmation No.: 4541

Examiner: Sonya N. Wright

Filed: July 30, 2002

For: DRUGS INHIBITING CELL DEATH

**PAPER(S) FILED ENTITLED:**

1. Response to Restriction Requirement
2. Second Request for Refund (in duplicate) (w/ copy of Request for Refund filed May 20, 2002, and copy of Acknowledgement from PTO dated June 7, 2002)

SUGHRUE MION, PLLC  
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DOCKET NO.: Q68625  
ATTORNEY/SEC: JTC/cjm  
Date Filed: June 30, 2003

WASHINGTON OFFICE



23373

PATENT TRADEMARK OFFICE



## PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RECEIVED**  
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In re application of

Docket No: Q68625

DEC 08

Mikiko SODEOKA, et al.

Appln. No.: 10/069,007

Group Art Unit: 1626

Confirmation No.: 4541

Examiner: Sonya N. Wright

Filed: July 30, 2002

For: DRUGS INHIBITING CELL DEATH

## RESPONSE TO RESTRICTION REQUIREMENT

## MAIL STOP NON-FEE AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

JUN 3 0 2003

Sir:

In response to the Restriction Requirement dated May 30, 2003, Applicants hereby respond as follows:

The Examiner has divided the claims into four groups based on the substituents of R<sup>4</sup> as follows (R<sup>1</sup>, R<sup>2</sup> and R<sup>3</sup> are common in the four groups):

a hydrogen atom (Group I)

an alkyl group which may be substituted (Group I)

an alkenyl group which may be substituted (Group I)

an alkynyl group may be substituted (Group I)

an aryl group which may be substituted (except 3-indolyl group)

a 4-pyridyl group (Group III)

a 2-pyridyl group (Group III)

RESPONSE TO RESTRICTION REQUIREMENT  
U.S. Appln. No. 10/069,007

a piperazinyl group which may be substituted (Group III)

a pyrimidinyl group (Group IV)

a pyrazinyl group which may be substituted (Group IV)

an acyl group may be substituted

an alkoxy- or aryloxycarbonyl group which may be substituted

an alkyl- or arylthiocarbonyl group which may be substituted

an aminocarbonyl group which may be substituted (Group II)

*an alkyl- or arylsulfonyl group which may be substituted*

*an alkoxy group which may be substituted*

*an aryloxy group which may be substituted*

*an alkyl- or arylthio group which may be substituted*

*a hydroxyl group*

a carboxyl group

a cyano group

a nitro group

*an amino group which may be substituted*

It is indicated on page 3 of the Office Action that "Applicant may choose to elect a single invention by identifying another specific embodiment not listed in the exemplary groups of the invention and the Examiner will endeavor to group the same."

Applicants respectfully requests that Compound Nos. 7-12, 14 and 17 on page 24 of the specification be examined, even though these compounds are not within the four groups divided by the Examiner. Accordingly, Applicants respectfully request the Examiner to examine the

RESPONSE TO RESTRICTION REQUIREMENT  
U.S. Appln. No. 10/069,007

compounds in which R<sup>4</sup> is an alkyl- or arylsulfonyl group which may be substituted, an alkoxy group which may be substituted, an aryloxy group which may be substituted, an alkyl- or arylthio group which may be substituted, a hydroxyl group, or an amino group which may be substituted, which are shown above by *italic* characters, as a new Group V. Applicant asserts that these substituents as R<sup>4</sup> are common in that a hydrogen atom, an alkyl group which may be substituted or an aryl group which may be substituted is bound with the 5-membered N-containing ring in formula (I) via a hetero atom such as an oxygen atom, a nitrogen atom or a sulfur atom. Therefore, Applicants believes they should be examined in one application.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,

John Callahan

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Registration No. 32,607

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Date: June 30, 2003